JEFFREY P. CHARTIER
ATTORNEY AT LAW

December 4, 2009

The Honorable Fredrick J. Scullin, Jr.
Senior United States District Judge
United States District Court
Federal Plaza
Central Islip, New York 11722

Re: **United States v. Noel Kent Farrow**
Criminal Action # 09-CR-331 (FJS)
Sentencing Memorandum
Sentencing Date: December 11, 2009

Dear Judge Scullin:

I respectfully submit this letter on behalf of Noel Kent Farrow to be considered by Your Honor in conjunction with his sentence. The instant letter/memorandum addresses sentencing issues, which we believe are worthy of the Court's attention.

Mr. Farrow is scheduled to be sentenced on December 11, 2009, having waived indictment and having plead guilty to Possession with Intent to Distribute and Distribution of Cocaine under a one count information pursuant to a plea agreement.

History of Mr. Farrow

Mr. Farrow has never had the support group of an intact family. He has never had the support of a strong parental hand. He has always been in the middle of the storm that has been survival in the streets. Absent these traditional supports Mr. Farrow had been unable to find his way out of the world that offers quick support in the form of fast money in exchange for years of one's life and at the risk of life.

In the actual spirit contemplated by U.S.S.G. §3E1.1(a) and U.S.S.G. §3E1.1(b), Mr. Farrow has offered no excuses, he has pointed no fingers he wasted no Government resources. Mr. Farrow simply accepts responsibility for his actions. Since his arrest, some 10 months ago, Mr. Farrow has had the time to take stock of his life. He has looked to his future instead of wallowing in his past. He understands that this time is figuratively and actually the precipice of the rest of his life. He understands and accepts the significance of the Sentencing Guidelines in this matter, that being 120 to 137 months. As he awaits his sentence, he contemplates what he will be able to do with the rest of his adult life, acknowledging that he must first pay his debt to society before he can return as functioning member of that society. His acceptance of the

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sobering sentence that awaits him, is the first step in his transformation and the manner in which he has conducted himself since his arrest is significant evidence that he is on the right path.

Mr. Farrow has been reminded by his sister, Kenya the person with whom he has the strongest connection in this world, that he has the mental ability to start his life again on the right track. Mr. Farrow has been reminded by her that he has both the ability and the fortitude to succeed on the right of society. Her life is his example and her support is now the support that he lacked before. His sister reminds him that he attended 2 years of college while he was incarcerated and that he can continue his education again making productive use of the time that he now owes. She reminds him that he has the capacity to succeed on the right side of society and that the effort must come from him. He has been reminded of the pride that he felt when he worked in advertising and that despite the present circumstances, and after he pays his debt, he can feel that pride again doing the right things.

Mr. Farrow has two daughters DeAngela and Naloni and he, better than anyone, knows that they need a father. Mr. Farrow intends to be that father. He intends to show his children that he can do things the right way and that standing before this Court is another step in the process and one which he does knowingly and willingly.

Mr. Farrow suffers from asthma and uses the inhaler Abuderol. We would respectfully request that the Order of incarceration make reference to this medicinal need.

Objections to PSI

Mr. Farrow has no objections to the PSI Report.

Acceptance of Responsibility

Mr. Farrow has accepted full responsibility for his actions in this matter and his acceptance of responsibility was made known to the Government at a very early stage in this matter.

Appropriate sentence

We respectfully request that the Court Consider the factors as relevant in the case at bar.

These include:

(1) Responsibility was taken at a very early stage in this mater and he even waived indictment;

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(2) There is a conspicuous absence of violence;

(3) The Plea represents the totality of the conduct and there are no aggravating circumstances.

We recognize that the Court must impose sentence. However, given all of the factors that the Court will consider, including Mr. Farrow's complete and immediate acceptance of responsibility, I implore Your Honor to evaluate the crime that was committed in this instance in favor of the minimum sentence under the guidelines. While it is certainly not our intention to minimize the actions of Mr. Farrow and while Mr. Farrow has adamantly accepted full responsibility for his actions, it cannot be ignored that there was no violence involved in the instant offense and his immediate acceptance of responsibility did not cause the Government not to waste time and valuable resources in the prosecution of this matter.

Sentencing Mr. Farrow to the minimum of 120 months (10 years) under the guidelines is more than "sufficient…to comply with the purposes set forth" in 18 U.S.C. § 3553. Any period of incarceration to this thirty seven (37) year old man beyond that ten year period would unnecessarily negatively impact Mr. Farrow's ability to return to society in an economically active role so that he may earn enough money to sustain himself and his family in his senior years.

Respectfully,

/s/ Jeffrey P. Chartier

Jeffrey P. Chartier

cc: AUSA Nathaniel J. Dorfman
C.U.S.P.O Matthew L. Brown

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